

### REMARKS

Applicant thanks the Examiner for the careful review of this application. Claims 9, 10-12 and 14 were canceled without prejudice. Claim 8 was amended to clarify aspects of the invention. No new matter has been added. Therefore, claims 1-5, 7-8, 15-21 and 23 remain pending in this application.

### FINALITY OF OFFICE ACTION

Applicant notes that the present Office Action was made final in response to the Request for Continued Examination, filed on October 30, 2002. Applicant respectfully points out that a new prior art reference (Sato U.S. Patent No. 6,436,781) was used singularly in a rejection of the pending claims. As such, in the event that a Notice of Allowance is not sent in response to this amendment, Applicant respectfully requests that the finality, of the present Office Action, be withdrawn.

### CLAIM OBJECTION

Claim 10 was objected to because it depended upon itself. Claim 10 was canceled via the preceding amendment and therefore this rejection is now moot.

### REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 8, 9, 12 and 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sato (U.S. Patent No. 6,436,781).

Sato apparently discloses a semiconductor device including a bipolar transistor formed by epitaxial growth or ion implantation. Included is an epitaxial silicon collector layer, a base region directly under an emitter defined as an intrinsic base and a peripheral region thereof defined as an outer base region is formed by the step of implanting ions into the collector layer to form a high concentration collector region at a location close to a buried region using a photoresist to form an aperture, and the step of implanting ions into the collector layer to form a high concentration collector region directly beneath the base region after forming the base region.

Claims 9, 12 and 14 were canceled in the preceding amendment and therefore the rejections of those claims are moot.

Applicant respectfully traverses the rejection of claim 8. Claim 8 was amended to include the claim elements of claim 11 ("*an oxide layer and a Nitride layer above said multiple layers*"). Sato does not disclose, alone or in combination, that an oxide layer and a Nitride layer are above the multiple layers. Sato's multiple layers above collector region 3 does not include a nitride layer.

Applicant respectfully requests the withdrawal of the rejection of claim 8.

Applicant respectfully traverses the rejections of the originally submitted claims and reserves the right to re-introduce them and claims of an equivalent scope in a continuation application. If the undersigned agent has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

**CONCLUSION**

Applicant believes that all pending claims are allowable and a Notice of Allowance is respectfully requested.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at the number set out below.

Respectfully submitted,  
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